

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MALIK MUGABE, a/k/a Marlon Peek,	:	
	:	
Petitioner,	:	Civ. No. 24-707 (RK)
v.	:	
	:	
UNITED STATES OF AMERICA, et al.,	:	MEMORANDUM & ORDER
	:	
Respondents.	:	
	:	

Petitioner is proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. *See* ECF No. 1. On March 15, 2024, the Court ordered Respondents to file a limited response to the habeas petition on the issue of exhaustion within forty-five (45) days. *See* ECF No. 4.

Respondents did not file a limited response within the time allotted. On May 8, 2024, Petitioner filed a motion to proceed to the merits of his habeas petition considering Respondents' failure to file a timely response. *See* ECF No. 5. On May 14, 2024, the New Jersey Attorney General's Office submitted a response to Petitioner's motion to proceed. *See* ECF No. 6. In that response, Respondents indicate that due to an oversight by an executive assistant within the New Jersey Attorney General's Office, that Office was unaware that the Court had ordered Respondents to file a limited response to Petitioner's habeas petition on March 15, 2024. Respondents therefore seek until June 13, 2024 to file a limited response.

Under these circumstances, the Court will grant Respondents' request for additional time in which to file a limited response to Petitioner's habeas petition. Therefore, Petitioner's motion to proceed to the merits of his habeas petition will be denied given this extension of time for Respondents to file a limited response.

Accordingly, IT IS on this 21st day of May, 2024,

ORDERED that Petitioner's motion to proceed to the merits of his habeas petition, ECF No. 5, is denied; and it is further

ORDERED that Respondents shall file a limited response to Petitioner's habeas petition as outlined in the Court's March 15, 2024 memorandum and order on or before June 13, 2024; and it is further

ORDERED that Petitioner may file a reply brief in support of his habeas petition within forty-five (45) days from the date Respondents file a limited response; and it is further

ORDERED that the Clerk shall serve this memorandum and order on Petitioner, the New Jersey Attorney General's Office and on the Somerset County Prosecutor's Office by regular U.S. mail.



ROBERT KIRSCH
United States District Judge